

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-30149

STEVEN J. MALKE
Plaintiff,

v.

TRANSCONTINENTAL REFRIGERATED LINES, INC.
Defendants.

**MOTION OF THE DEFENDANT TRANSCONTINENTAL REFRIGERATED LINES,
INC. TO EXTEND THE DEADLINE
FOR DISCLOSURE OF EXPERT WITNESSES**

The defendant, Transcontinental Refrigerated Lines, Inc. hereby moves that the current Scheduling Order be amended to extend the time for defendant's expert disclosure from June 30, 2006 to August 15, 2006 and that all subsequent dates be amended accordingly. In support of this Motion, the defendant states as follows:

1. The most recent Scheduling Order in the case provided that the plaintiff was to disclose experts by May 1, 2006. See the Scheduling Order attached hereto as Exhibit A. That order also provided that the defendant was to disclose its expert sixty (60) days later on June 30, 2006. See Exhibit A.
2. At a Scheduling Conference on May 26, 2006, the court granted plaintiff leave to disclose experts by June 15, 2006.

3. Accordingly, the defendant requests that the time period for the defendant to disclose its expert(s) and the anticipated testimony of same be extended sixty (60) days from the date of plaintiff's expert disclosure. Therefore, the defendant requests that the date for the defendant's expert disclosure be extended to August 15, 2006.
4. No party will be prejudiced by allowance of the instant Motion.
5. Plaintiff's counsel assents to the instant Motion.

WHEREFORE, the defendant, Transcontinental Refrigerated Lines, Inc. hereby requests that the time within which it be obligated to make its expert disclosure be extended from June 30, 2006 to August 15, 2006.

Respectfully submitted,
Transcontinental Refrigerated Lines, Inc.
By its attorney,

s/Andrew J. Fay
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Assented to:

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Dated: June 20, 2006